

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Shively, et al.

Serial No. 09/410,511

Filed: September 30, 1999

For: AUTOMATIC HARDWARE FAILURE
DETECTION AND RECOVERY FOR
DISTRIBUTED MAX SESSIONS
SERVER

Art Unit:

Examiner: #5

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail, in an envelope addressed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

on 3/6/00 Diane Morse
Date Diane Morse

INFORMATION DISCLOSURE STATEMENT

Honorable Assistant Commissioner
for Patents
Washington, D.C. 20231

Dear Sir:

Each item of information listed in the attached FORM PTO-1449, for which a copy of each is attached, may be material to the examination of the above-identified application and is, therefore, submitted in compliance with the duty of disclosure defined in 37 CFR §§ 1.56, 1.97 and 1.98. The Examiner is requested to make these items of official record in this application.

This Information Disclosure Statement under 37 CFR §§ 1.56, 1.97 and 1.98 is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that any one or more of these items constitutes prior art.

I

This statement is filed pursuant to:

37 C.F.R. § 1.97(b).

This information disclosure statement is filed either (1) within three months of the filing date of the national applications; (2) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or (3) before the mailing date of a first office action on the merits, whichever event occurs last.

Accordingly, this information disclosure statement requires no fee and no certification.

37 C.F.R. § 1.97(c).

This information disclosure statement is filed after the period specified in 37 C.F.R. § 1.97 (b), but before the mailing date of either (1) a final action under 37 C.F.R. § 1.113 or (2) a notice of allowance under 37 C.F.R. § 1.311.

Accordingly, this information disclosure statement requires either the fee specified in 37 C.F.R. § 1.17 (p) for submission of an information disclosure statement under 37 C.F.R. § 1.97 (c) (\$240), or a certification according to 37 C.F.R. § 1.97 (e).

37 C.F.R. § 1.97(d).

This information disclosure statement is filed after the period specified in 37 C.F.R. § 1.97 (c).

Accordingly, this information disclosure statement requires the petition fee specified in 37 C.F.R. § 1.17 (i) (1) to consider an information disclosure statement under 37 C.F.R. § 1.97(d) (\$130), a certification according to 37 C.F.R. § 1.97(e), and a petition requesting consideration of the information disclosure statement.

If this statement crosses in the mail with an office action, or is otherwise not in the indicated category of 37 C.F.R. § 1.97, it is respectfully requested that this statement be treated in the next appropriate category and made of record. To the extent required, please treat this paper as a conditional petition for acceptance of the information disclosure statement.

II

No fee is due

The fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c) is enclosed (\$240).

The petition fee specified in 37 C.F.R. § 1.17(i) (1) to consider an information disclosure statement under 37 C.F.R. § 1.97(d) is enclosed (\$130.00).

Please charge any additional required fee or credit any overpayment to our deposit account number 04-0025. An additional copy of this page is enclosed.

III

Pursuant to 37 C.F.R. § 1.97(e) , I certify:

No certification is necessary.

(1) Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement.

(2) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c), more than three months prior to the filing of the statement.

Respectfully submitted,
D'ALESSANDRO & RITCHIE

Dated: March 3, 2000


John P. Schaub
Reg. No. 42,125

D'Alessandro & Ritchie
P.O. Box 640640
San Jose, CA 95164-0640
(408) 441-1100